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OFFICE OF PETITIONS

In re Application of	:	
Roger Cook	:	
Application No. 09/995,052	:	DECISION ON PETITION
Filed: November 27, 2001	:	
Attorney Docket No. 06542/9015	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 28, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper response to a final Office Action which was mailed on March 10, 2005. The final Office Action set a three (3) month shortened statutory period for reply. An amendment was filed on August 15, 2005 (certificate of mailing August 10, 2005) with a two month extension of time. An advisory action was mailed on September 9, 2005 indicating the August 15, 2005 amendment did not place the application in condition for allowance. Accordingly, this application became abandoned on August 11, 2005. A Notice of Abandonment was mailed on October 19, 2005.

The requirements for the filing of a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

A three (3) month extension of time was requested. However, pursuant to 37 CFR §1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month statutory period expired on September 10, 2005. Petitioner is ineligible for any extensions of time. Accordingly, the \$570.00 will be refunded.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of Continuation Application No. 11/223,763 filed on September 9, 2005.

This application is being forwarded to the files repository.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



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